

**PATENT**

Atty Docket No.: 10007518-1

App. Ser. No.: 10/057,586

**RECEIVED**  
**CENTRAL FAX CENTER****JUL 05 2006****REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 8-10, and 17-22 have been amended. Claims 1-22 are pending, of which claims 1, 17, and 22 are independent.

Claims 1, 3-11, 17, and 19-22 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Winter et al. (U.S.P. No. 5,381,349), hereinafter "Winter."

Claims 2, 13-14, 16, and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Winter and Murashita et al. (U.S.P. No. 6,850,245), hereinafter "Murashita." Claim 16 was not included in the heading of this rejection, however, claim 16 was address within this rejection. Therefore, the Applicant assumes that the omission of claim 16 from the heading of this rejection was a minor error and that claim 16 was intended to be rejected over the combination of Winter and Murashita.

Claims 12 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Winter and Hamaguri (U.S.P. No. 6,462,777), hereinafter "Hamaguri."

The above rejections are respectfully traversed for the reasons set forth below.

**Personal Interview Conducted**

The Applicant's representatives would like to thank Examiner Qin and Supervisor Pokrzywa for the courtesies extended during the interview conducted on June 29, 2006. During the interview, Examiner Qin acknowledged that the Office Action of May 05, 2006 was prematurely made final, because new grounds of rejection were set forth over unamended claims 17-22. Accordingly, Examiner Qin indicated that a subsequent Office

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Action would be made non-final in order to provide the Applicant with an adequate opportunity to respond to any subsequent rejection.

The rejection over Winter was also discussed. Applicant's representative explained that Winter failed to teach at least the image input device of claim 1. Examiner Qin agreed that Winter failed to teach this feature, but suggested amended the claims to more clearly describe the image input device. Thus, the claims have been amended according to Examiner Qin's suggestions to clarify the function of the image input device.

**Claim Rejections Under 35 U.S.C. §102(b)**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 3-11, 17, and 19-22 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Winter.

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This rejection is respectfully traversed because Winter fails to teach each and every element of independent claims 1, 17, and 22. Specifically, Winter fails to teach an image input device. Winter discloses displaying a color bar 40 on a display screen of a computer monitor. The color bar 40 includes a brightness bar 50, which a user may manipulate to alter the brightness of the color bar 40. The color bar 40, however, is not imaged by an image input device and input back into the system of Winter. Therefore, as argued during the personal interview and agreed upon by the Examiner, Winter fails to teach the claimed image input device recited in independent claims 1, 17, and 22.

Accordingly, it is respectfully submitted that Winter fails to teach each and every element of independent claims 1, 17, and 22, and, therefore, Winter cannot anticipate the claims that depend therefrom. Withdrawal of the rejection of claims 1-22 is, therefore, respectfully requested because these claims are believed to be allowable over the prior art of record.

In addition, Winter fails to teach a test pattern generator, which adjusts the intensity level of a dynamic test patch area, as recited by claim 3. Winter discloses adjusting the brightness of an area, however, the brightness is adjusted by a user in Winter. In contrast, claim 3 recites adjusting intensity by a test pattern generator and not a user.

With respect to claims 4-5, Winter fails to teach a grating area comprising two groups of pixels having different predetermined intensity levels. The comparison color patch 46 of Winter only teaches one uniform grouping of pixels.

With respect to claim 7, Winter fails to teach test pattern generator configured to control and adjust pixel values. As set forth above, a user must adjust the brightness values of Winter.

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With respect to claim 11, Winter fails to teach a gamma corrector. Winter only discloses that a user may have the ability to adjust brightness.

**Claim Rejection Under 35 U.S.C. §103**

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 2, 13-14, 16, and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Winter and Murashita. This rejection is respectfully traversed because the combination of Winter and Murashita fails to teach or suggest each and every element of claims 2, 13-14, 16, and 18.

Specifically, Murashita fails to cure the deficiency of Winter discussed above, because Murashita fails to teach or suggest an image input device for imaging an output and inputting the image into the test pattern generator.

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For at least the foregoing reasons, it is respectfully submitted that the Official Action has failed to establish that claims 2, 13-14, 16, and 18 are *prima facie* obvious in view of the disclosure contained in Winter and Murashita. The Examiner is therefore respectfully requested to withdraw the rejections of claims 2, 13-14, 16, and 18 and to allow these claims.

Claims 12 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Winter and Hamaguri. This rejection is respectfully traversed because the combination of Winter and Hamaguri fails to teach or suggest each and every element of claims 12 and 15.

Specifically, Hamaguri fails to or suggest an image input device for imaging an outputted test pattern. Hamaguri uses a camera 21 to determine the location of a measurement grid. The locations are used by Hamaguri to determine convergence and displacement. Therefore, Hamaguri does not image an outputted test pattern and input the image into a test pattern generator, as recited in independent claims 1, 17, and 22.

For at least the foregoing reasons, it is respectfully submitted that the rejection of claims 12 and 15 over Winter in view of Hamaguri fails to establish a *prima facie* case of obviousness. The Examiner is therefore respectfully requested to withdraw the rejections of claims 12 and 15 and to allow these claims.

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**Conclusion**

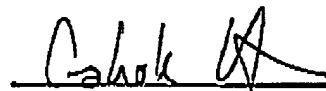
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: July 5, 2006

By

  
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